

106th TN General Assembly

First Regular Session



Wednesday, March 18, 2009

SENATE

COMMITTEE REPORTS

FINANCE, WAYS & MEANS – SHR #12 – 1:00 p.m. –

Rec. for pass., ref to Calendar – SB's 2047, 2105, 26, 33, 100, 115, 242, 256, 268, 389, 447, 684, 802, 1178, 1218, 1268, 1582, 1803.

Rec. for adopt., ref to Calendar – SJR 11.

Action def. – SB 440.

GENERAL WELFARE, HEALTH & HUMAN RESOURCES – SHR #12 – 11:00 a.m. –

Rec. for pass., ref to Calendar – SB's 1675, 1455.

Rec. for pass. if am., ref to Calendar – SB 853.

Action def. – SB 277.

Ref. to Gen. sub. – SB 1995.

GOVERNMENT OPERATIONS – SHR #12 – 9:30 a.m. –

Rec. for pass., ref to Calendar – SB's 341, 996, 1038, 1055, 1039, 1021.

Rec. for pass. if am., ref to Calendar – SB's 1034, 1046, 1012, 1011, 355, 1058, 356.

Rec. for pass., ref to S&L – SB 2149.

Rec. for pass., ref to CL&A – SB 1210.

Action def. – SB's 198, 1001, SJR 112, SB 366.

Ref. to Gen. Sub. – SB's 372, 1008, 1020, 1027.

JUDICIARY – SHR #12 – 3:00 p.m. –

Rec. for pass., ref to Calendar – SB's 437, 801, 1810, 2020.

Rec. for pass. if am., ref to Calendar – SB's 291, 1327, 805.

Action def. – SB's 683, 113, 312, 866, 867, 868, 2005, 392, 1892, 456, 2282, 2018, 688, 689, 429, 192, 1168.

CALENDARS FOR THURSDAY, MARCH 19, 2009

Consent

1. SJR 0047 by *Henry

Memorials, Public Service - William H. "Bill" Frist -

2. SJR 0138 by *Burchett

Memorials, Recognition - Municipal Technical Advisory Service, 60th anniversary -

3. SJR 0141 by *Faulk

Memorials, Death - Curtis Mawk -

4. SJR 0142 by *Faulk

Memorials, Death - Steve Vass -

5. SJR 0143 by *Faulk

Memorials, Death - Bennie Douglas Floyd -

(Consent Calendar cont.)

- 6. SJR 0144 by *Faulk**
Memorials, Recognition - Wayne and Betty Shirley -
- 7. SJR 0145 by *Faulk**
Memorials, Death - Doug Harbin -
- 8. SJR 0146 by *Yager**
Memorials, Death - Samuel Henry Davis -
- 9. SJR 0147 by *Burchett**
Memorials, Recognition - Breakthrough Corporation -
- 10. SJR 0148 by *Finney L**
Memorials, Death - John Carthel Nowell, Jr. -
- 11. SJR 0149 by *Finney L**
Memorials, Personal Occasion - James and Elizabeth Crum, 70th anniversary -
- 12. SJR 0151 by *Finney L, Harper, Ford, O., Marrero B, Burks**
Memorials, Recognition - Business and Professional Women -
- 13. SJR 0154 by *Faulk**
Memorials, Recognition - Dan Brooks -
- 14. SR 0036 by *Yager**
Memorials, Personal Achievement - Monica Joy Haley, Girl Scout Gold Award -
- 15. SR 0037 by *Stanley**
Memorials, Personal Occasion - Henry Clark Doan, 80th birthday -
- 16. HJR 0049 by *McDonald, Maggart, Lynn, Ferguson, Fraley, Armstrong, Barker, Bass**
Memorials, Recognition - Rogers Group, 100th anniversary -
- 17. HJR 0187 by *Harwell**
Memorials, Personal Achievement - Matthew Daniel Newborn, Eagle Scout -
- 18. HJR 0188 by *McDonald**
Memorials, Recognition - Jackie Davis Kelley -
- 19. HJR 0189 by *Watson, Brooks K, Armstrong, Barker, Bass, Bell, Bone, Borchert**
Memorials, Professional Achievement - Eric Stansberry, 2008-2009 ITEA Teacher Excellence Award for Tennessee -
- 20. HJR 0190 by *McCormick, Dean, Lynn**
Memorials, Retirement - Edward M. Foster -

Consent #2

- 1. SB 1221 by *Bunch (*HB 1209 by *Watson, Brooks K)**
Tax Assessors and Collectors - As introduced, permits municipal distress warrants issued by tax collector to be executed by police officer of municipality in same manner as provided by law for the sheriff. - Amends TCA Title 67, Chapter 4.
- 2. *SB 2048 by *McNally, Henry, Burchett (HB 1980 by *Fitzhugh)**
State Government - As introduced, adds the governor, secretary of state, state treasurer, comptroller, and commissioner of finance and administration as ex officio members of the Tennessee local development authority. - Amends TCA Title 4, Chapter 31, Part 1.
- 3. *SB 2050 by *McNally, Henry, Burchett (HB 1978 by *Fitzhugh)**
Local Government, General - As introduced, enacts the "Local Government Electronic Technology Act of 2009." -
- 4. HJR 0170 by *Armstrong, Barker, Bass, Bell, Bone, Borchert, Brooks K, Brooks H**
Naming and Designating - "World Kidney Day," March 12, 2009 -
- 5. HJR 0171 by *DeBerry L**
Naming and Designating - "Safe Kids Week," April 26-May 3, 2009 -
- 6. HJR 0174 by *Gilmore**
Naming and Designating - "Faith Day on the Hill," March 4, 2009 -
- 7. SJR 0107 by *Black**
Naming and Designating - "Tennessee Day of Prayer," May 7, 2009 -

Local Bill

1. SB 2034 by *Faulk (HB 1830 by *Lundberg, Mumpower)

Bristol - As introduced, subject to local approval, provides that the members of the municipal board of education shall be elected in the same manner used to elect the city council. - Amends amend Chapter 84 of the Private Acts of 1991; as amended by Chapter 140 of the Private Acts of 1996, Chapter 2 of the Private Acts of 1997, Chapter 130 of the Private Acts of 2002, Chapter 64 of the Private Acts of 2005.

Regular

1. *SJR 0127 by *Black, Gresham, Southerland, Crowe, Overbey, Faulk, Woodson, Yager, Stanley, Burchett

Constitutional Amendments - Adds new provision to Article I to provide that nothing in Constitution of Tennessee secures or protects right to abortion or requires the funding of an abortion; states that the people retain the right through their elected state representatives and state senators to enact, amend, or repeal statutes regarding abortion, including, but not limited to, circumstances of pregnancy resulting from rape or incest or when necessary to save the life of the mother. -

2. *SB 0309 by *Berke, Jackson, Ketron (HB 1736 by *Fincher)

Guns - As introduced, grants a shooting range that had been in operation for at least 30 years prior to December 16, 2008, the right to continue operating at the same location and such right shall not be amended, restricted, or terminated due to zoning changes. - Amends TCA Section 39-17-316.

3. *SB 0323 by *Johnson (HB 0661 by *Sargent)

Motor Vehicles, Titling and Registration - As introduced, authorizes air pollution control board to provide inspection and maintenance program in certain counties using enhanced technology of remote sensing devices, and extend certain program contracts, to comply with air quality criteria. - Amends TCA Title 55, Chapter 4, Part 1 and Title 68, Chapter 201, Part 1.

4. *SB 0614 by *Tracy (HB 1357 by *Carr)

Municipal Government - As introduced, allows municipalities to take special census at their own expense any time between regular decennial federal censuses. - Amends TCA Section 6-51-114; Title 6, Chapter 56, Part 1; Section 54-4-203; Section 57-5-205 and Section 67-6-103.

5. *SB 0755 by *Johnson (HB 1177 by *Sargent)

Taxes, Real Property - As introduced, specifies that if spouses file a joint federal income tax return the income of a property owner's spouse is attributable to the property owner for purposes of determining whether the property is eligible for property tax relief for elderly or disabled homeowners. - Amends TCA Title 67, Chapter 5, Part 7.

6. *SB 0874 by *Ketron (HB 1391 by *Tindell)

Alcoholic Beverages - As introduced, adds Meadow Creek Mountain Rustic Resort in Cocke County to those facilities authorized to sell alcoholic beverages for on-premises consumption as a premier type tourist resort. - Amends TCA Section 57-4-102.

7. *SB 2049 by *McNally, Henry, Burchett (HB 1979 by *Fitzhugh)

Utilities, Utility Districts - As introduced, reduces from three to two the number of consecutive years a utility district, water system, or wastewater facility must have a negative change in net assets in order to be considered financially distressed. - Amends TCA Section 7-82-703; Section 7-82-401 and Section 68-221-1010.

8. SB 2216 by *McNally (*HB 2360 by *Jones U)

Alcoholic Beverages - As introduced, adds Rarity Pointe in Loudon County to those facilities authorized to sell alcoholic beverages for on-premises consumption as a premier type tourist resort. - Amends TCA Section 57-4-102.

9. SB 2221 by *Johnson (*HB 2365 by *Casada)

Alcoholic Beverages - As introduced, adds Laurel Cove in Williamson County to those facilities authorized to sell alcoholic beverages for on-premises consumption as a premier type tourist resort. - Amends TCA Title 57, Chapter 4, Part 1.

10. HJR 0163 by *Curtiss

Naming and Designating - "Certified Government Financial Manager Month," April 2009 -

(Regular Calendar cont.)

11. *SB 0540 by *Ketron, Black, Gresham (HB 1510 by *Todd)

Public Employees - As introduced, provides that, during negotiations between representatives of public employee unions and representatives of state or local governmental entities, planning or strategy sessions of either set of representatives when meeting with the entity it represents are not open to the public. - Amends TCA Section 8-44-201.

12. SB 0217 by *Stanley (*HB 0230 by *Todd)

Education - As introduced, allows local boards of education to delegate authority regarding assignment of individual students for decision-making on such matters. - Amends TCA Title 49.

13. *SB 0421 by *Bunch (HB 0874 by *Brooks K)

Education - As introduced, allows the sale of 12 ounce products in middle schools. - Amends TCA Section 49-6-2307.

14. SB 0431 by *Bunch (*HB 0537 by *Bell)

Tobacco, Tobacco Products - As introduced, requires posting of signs stating that smoking is permitted in establishments, instead of signs stating that smoking is prohibited. - Amends TCA Title 39, Chapter 17, Part 18.

15. SB 0998 by *Johnson, Ford, O. (*HB 0990 by *Lynn, Kernell, Cobb J)

Sunset Laws - As introduced, terminates Gibson County water projects authority. - Amends TCA Title 4, Chapter 29 and Title 64, Chapter 1.

16. SJR 0092 by *Ramsey, Tracy

Memorials, Personal Occasion - Bruce and Adeline Frizzell, 50th anniversary -

SENATE CONVENES AT 9:00 A.M., THURSDAY, MARCH 19, 2009

HOUSE

COMMITTEE REPORTS

CHILDREN & FAMILY AFFAIRS – HHR #16 – 8:30 a.m. –

Rec. for pass. if am., ref to C&R – HB's 804, 66.

EDUCATION – HHR #16 – 11:00 a.m. –

Rec. for pass. if am., ref to C&R – HB 921.

Action def. – HJR 33, HB 849.

GOVERNMENT OPERATIONS – HHR #29 – 10:00 a.m. –

Rec. for pass., ref to C&R – HB's 998, 1007, 1011, 1012, 1060, 1063, 1094, 1096.

Rec. for pass. if am., ref to C&R – HB 1056.

Rec. for pass. if am., ref to H&HR – HB 1053.

Action def. – HB's 62, 1043.

(Committee Reports cont.)

JUDICIARY – HHR #31 – 8:30 a.m. –

- Rec. for pass., ref to C&R – HB's 54, 69, 218, 1451.
- Rec. for pass. if am., ref to C&R – HB's 1665, 483, 959.
- Rec. for pass., ref to FW&M – HB 1820.
- Rec. for pass. if am., ref to FW&M – HB's 268, 284.
- Rec. for adopt. if am., ref to FW&M – HJR's 4, 32.
- Action def. – HB's 960, 620, 621, 623, 626, 748, 814, 703.

SUBCOMMITTEE REPORTS

BUDGET – HHR #29 – 11:00 a.m. –

- Rec. for pass. – HB's 509, 340, 75.
- Rec. for pass. if am. – HB's 1463, 440, 470, 231.
- Action def. – HJR's 3, 76, HB's 301, 949, 916, 1211, 1311, 1649, 1582, 2264.
- Behind the Budget – HB's 7, 63, 392, 582, 1477.

CRIMINAL PRACTICE & PROCEDURE – HHR #31 – 12:00 noon –

- Rec. for pass. – HB's 1120, 1277, 355, 735, 918.
- Rec. for pass. if am. – HB's 250, 360.
- Action def. – HB's 583, 1639, 2376, 1593, 314, 1938.

HEALTH CARE FACILITIES – HHR #30 – 12:30 p.m. –

- Rec. for pass. – HB's 220, 1611, 1757.
- Rec. for pass. if am. – HB 2215.
- Action def. – HB's 25, 436, 684.
- Taken off notice – HB's 277, 807, 819, 862.

INDUSTRIAL IMPACT – HHR #30 – 10:00 a.m. –

- Rec. for pass. – HB's 2025, 1420.
- Rec. for pass. if am. – HB 380.
- Action def. – HB's 272, 276, 888, 793, 1517, 1906, 1907.
- Taken off notice – HB 912.

K-12 – HHR #16 – 10:00 a.m. –

- Rec. for pass. – HB's 975, 374, 102, 782.
- Action def. – HB's 557, 561, 812, 821, 947, 1371, 285, 376, 375, 377, 983, 679, 885, 59, 60, 122, 552, 948.
- Taken off notice – HB's 1213, 292, 103.

LOCAL GOVERNMENT – HHR #29 – 1:15 p.m. –

- Rec. for pass. – HB's 957, 2042, 889, 1720, 249, 1989, 1979, 1978, 603.
- Rec. for pass. if am. – HB's 875, 1990.
- Action def. – HB's 939, 1160, 1905, 1352, 2075, 2074, 469, 493, 1609, 1549, 2197.
- Taken off notice – HB 1218.

PARKS & TOURISM – HHR #16 – 12:30 p.m. –

- Rec. for pass. – HB 2309.
- Taken off notice – HB 1217.

PUBLIC SAFETY – HHR #16 –

- Rec. for pass. – HB's 1657, 1660.
- Rec. for pass. if am. – HB 18.
- Failed – HB 943.
- Action def. – HB's 683, 886, 706, 1638.
- Taken off notice – HB's 685, 1470

STATE GOVERNMENT – HHR #29 – 8:30 a.m. –

- Rec. for pass. – HB's 1745, 726, 1573, 1117, 2242, 1845.
- Rec. for pass. if am. – HB 356.
- Action def. – HB's 204, 813, 1850, 1951, 1115, 1847, HJR 7.
- Taken off notice – HB 691.

COMMITTEE CALENDAR FOR THURSDAY, MARCH 19, 2009

CALENDAR & RULES – HHR #16 – 8:00 a.m. –

HB's 1, 275, 643, 298, HJR 120, HB's 291, 305, 306, 307, 1177, 1109, HR 18, HB's 1452, 956, 978, 2043, 971, 2375, 1624, 962, 1008, 1009, 1024, 1033, 1041, 1045, 1049, 1084, 1088, 1101.

CALENDARS FOR THURSDAY, MARCH 19, 2009

Consent

- 1. HR 0037 by *Cobb J**
Memorials, Sports - Katie Freels - The Abstract summarizes HR0037 as introduced.
- 2. HR 0038 by *Cobb J**
Memorials, Recognition - Felix Abel, Senior Olympics gold medal bowler - The Abstract summarizes HR0038 as introduced.
- 3. HR 0039 by *Lundberg**
Memorials, Recognition - Commander Wayne Brown - The Abstract summarizes HR0039 as introduced.
- 4. HR 0040 by *Hardaway**
Memorials, Death - Judge Anthony Johnson - The Abstract summarizes HR0040 as introduced.
- 5. HJR 0205 by *Fincher**
Memorials, Recognition - Azurae Johnson - The Abstract summarizes HJR0205 as introduced.
- 6. HJR 0206 by *Hackworth, Winningham**
Memorials, Sports - Clinton Middle School football team - The Abstract summarizes HJR0206 as introduced.
- 7. HJR 0207 by *Williams**
Memorials, Professional Achievement - Ms. Patricia Roark, RN, Outstanding Faculty Member of the Year, Tennessee Technology Centers - The Abstract summarizes HJR0207 as introduced.
- 8. HJR 0208 by *Matheny**
Memorials, Professional Achievement - Austin Anderson, Tennessee Conservation Farmer of the Year Award - The Abstract summarizes HJR0208 as introduced.
- 9. HJR 0209 by *Fincher**
Memorials, Congratulations - Congratulates and honors Velma Elizabeth Thompson on her 95th birthday. - The Abstract summarizes HJR0209 as introduced.
- 10. HJR 0211 by *Fraley**
Memorials, Recognition - Trinity Episcopal Church, 150th anniversary - The Abstract summarizes HJR0211 as introduced.
- 11. HJR 0212 by *Evans**
Memorials, Personal Occasion - Tommy Joe and Dale Marie Haley, 50th anniversary - The Abstract summarizes HJR0212 as introduced.
- 12. HJR 0214 by *Cobb J**
Memorials, Recognition - Colonel Wiley Harris, Distinguished Leaders Award - The Abstract summarizes HJR0214 as introduced.
- 13. SJR 0123 by *Burks, Ford, O.**
Memorials, Recognition - Smellage Cemetery Board - The Abstract summarizes SJR0123 as introduced.
- 14. SJR 0134 by *Barnes, Herron**
Memorials, Recognition - Kevin Chambliss Kennedy - The Abstract summarizes SJR0134 as introduced.
- 15. SJR 0135 by *Henry**
Memorials, Recognition - Dutchman's Curve Train Wreck - The Abstract summarizes SJR0135 as introduced.
- 16. SJR 0136 by *Henry, Johnson, Ford, O.**
Memorials, Recognition - Project IMPACT - The Abstract summarizes SJR0136 as introduced.

(Consent Calendar cont.)

17. SJR 0137 by *Harper, Haynes, Henry, Johnson, Beavers

Memorials, Recognition - Nashville Rescue Mission, 55th anniversary - The Abstract summarizes SJR0137 as introduced.

Regular

1. *HR 0014 by *Coleman, Sontany, Lundberg

General Assembly, Review Or Ratification of Rules - Approves amendments and revisions to the rules of criminal procedure, promulgated by the supreme court of Tennessee. - The Abstract summarizes HR0014 as introduced.

2. *HR 0015 by *Coleman, Sontany, Lundberg

General Assembly, Review Or Ratification of Rules - Approves amendments and revisions to the rules of civil procedure, promulgated by the supreme court of Tennessee. - The Abstract summarizes HR0015 as introduced.

3. *HR 0016 by *Coleman, Sontany, Lundberg

General Assembly, Review Or Ratification of Rules - Approves amendments and revisions to the rules of juvenile procedure, promulgated by the supreme court of Tennessee. - The Abstract summarizes HR0016 as introduced.

4. *HR 0017 by *Coleman, Sontany, Lundberg

General Assembly, Review Or Ratification of Rules - Approves amendments and revisions to the rules of evidence, promulgated by the supreme court of Tennessee. - The Abstract summarizes HR0017 as introduced.

5. *HR 0019 by *Coleman, Sontany, Lundberg

General Assembly, Review Or Ratification of Rules - Approves amendments and revisions to the rules of appellate procedure, promulgated by the supreme court of Tennessee. - The Abstract summarizes HR0019 as introduced.

6. *HB 0046 by *Evans, Bass, Todd, Rich (SB 0032 by *Tracy)

Handgun Permits - As introduced, prohibits department of safety or any department approved handgun safety course employee from requiring applicant for handgun carry permit to furnish any identifying information concerning any handgun the applicant owns or possesses. - Amends TCA Title 39, Chapter 17, Part 13.

7. *HB 0070 by *Fincher (SB 0474 by *Berke)

Criminal Procedure - As introduced, deletes subsection in self-defense law providing that a person not justified in use of deadly force to prevent or terminate trespass on real property or unlawful interference with personal property. - Amends TCA Title 39, Chapter 11, Part 6.

8. *HB 0390 by *Fincher (SB 0578 by *Jackson)

Handgun Permits - As introduced, permits handgun carry permit holders to possess or carry a loaded rifle, loaded shotgun, or loaded magazine or clip therefore while in a motor vehicle. - Amends TCA Title 39, Chapter 17. - The Abstract summarizes HB0390 as introduced.

9. *HB 1168 by *Ramsey, McCord, Eldridge (SB 1712 by *Overbey, Yager)

County Officers - As introduced, clarifies that a member of the county legislative body does not have to resign membership as a commissioner to be nominated for certain offices or vacancy occurring in certain offices required to be filled by the county legislative body. - Amends TCA Title 5, Chapter 5, Part 1.

10. HB 0082 by *Shaw, Fincher (*SB 0019 by *Gresham, Ford, O.)

Firearms and Ammunition - As introduced, authorizes current and retired judges who possess a handgun carry permit to carry a firearm under same circumstances and conditions as law enforcement officers and correctional officers. - Amends TCA Title 39, Chapter 17, Part 13. - The Abstract summarizes HB0082 as introduced.

11. *HB 0533 by *Dunn (SB 0832 by *McNally)

Open Meetings - As introduced, deletes the statutory sunset provision previously established for the provisions of Sections 8-44-108(b) and 8-44-109, relative to electronic participation in certain meetings. - Amends TCA Title 8, Chapter 44, Part 1.

HOUSE CONVENES AT 9:00 A.M., THURSDAY, MARCH 19, 2009